

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

December 21, 1999

DIVISION ONE

Court convened at 9:00 A.M.

Present: Spencer, P.J., Ortega, J., Vogel (Miriam A.), J., Masterson, J. and Connie Hon, Deputy Clerk.

Each of the following:

B126936 Diamond v. Arman
B127427 Kusterns v. Rodriguez
B130766 DCFS v. Mary G.
B131932 DCFS v. Rene M. et al.
B135674 Brenda M. v. SCLA

Argument waived, cause submitted.

B123975 Robert M. Banks, etc.
 v.
 NAFTA Wholesale, Inc. et al.

Merits:

Argued by Steven V. Phillipi for appellant and no appearance for respondents. Cause submitted.

B126496 Cage
 v.
 Los Angeles County Metropolitan Transportation Authority

Merits:

Argued by Robert H. Pourvali for appellant and by Sheila S. Kato for respondent. Cause submitted.

DIVISION ONE (Continued)

B126652 Nguyen
 v.
 Kwikset Corp. et al.

Merits:
Argued by Jack H. Anthony for appellant and by Paul Kevin Wood for
respondent (Haeggstrom). Cause submitted.

B120182 Aldridge
 v.
 County Of Los Angeles

Merits:
Argued by Donald W. Cook for appellant and by Steven J. Renick for
respondent. Cause submitted.

B123393 Douglas
 v.
 University Of Southern California

Merits:
Argued by Andrew N. Chang for appellant and by Wendy S. Albers for
respondent. Cause submitted.

Masterson, J. leaves the bench.

B123691 Schaertel
 v.
 Stanbury

Merits:
Argued by William R. Lutz for appellant and by John D. Barrett, Jr. for
respondent. Cause submitted.

Masterson, J. returns to the bench.

DIVISION ONE (Continued)

Ortega, J. leaves the bench.

B124408 Turner, Jr.
 v.
 County Of Los Angeles et al.

Merits:

Argued by V. Neil Forn, II for appellant and by Peter Glick, deputy county counsel, for respondents. Cause submitted.

Ortega, J. returns to the bench.

Vogel (Miriam A.), J. leaves the bench.

B125220 Slawinski
 v.
 Bassoni

Merits:

Argued by Leonard R. Schwigen for respondent and by Robert A. Welbourn for appellant. Cause submitted.

Vogel (Miriam A.), J. returns to the bench.

B127931 KNB Enterprises
 v.
 Justpics

Merits:

Argued by Jonathan P. Milberg for appellant and by Lauren Ross for respondent. Cause submitted.

B128072 Ahmad
 v.
 Pladott

Merits:

Argued by Steven J. Cote for respondent and by Howard Goodman for appellant. Cause submitted.

December 21, 1999-Continued

DIVISION ONE (Continued)

Masterson, J. leaves the bench.

B128156 Valentin
B129906 v.
City Of South Gate et al.

Merits:
Argued by Corey W. Glave for appellant and by Edward P. Zappia for respondents. Cause submitted.

Court adjourned.

B124054 Fireman's Fund Insurance Company
v.
Commercial Union Insurance Company et al.

Filed order denying petition for rehearing.

DIVISION TWO

B110580 People v. Barajas (Not for Publication)

The judgment is modified to strike the four-year enhancements pursuant to Penal Code section 12022.5 from appellant's sentences for counts 2 and 3. As so modified, the judgment is affirmed.

Nott, J.

We concur: Boren, P.J.
 Mallano, J. (Assigned)

December 21, 1999-Continued

DIVISION TWO (Continued)

B127077 People (Not for Publication)
v.
Escamilla

The Court:

The judgment is affirmed.

Boren, P.J., Nott, J., Mallano, J. (Assigned)

B128112 People v. Smith (Not for Publication)

The Court:

The judgment is affirmed.

Nott, Acting P.J., Cooper, J., Mallano, J. (Assigned)

B121581 Harold Spinner (Not for Publication)
v.
William P. Driscoll

The judgment against plaintiff Spinner is affirmed. The judgment against plaintiff Red Rock Ranch, Ltd., is reversed. The parties to bear their own costs of appeal.

Nott, J.

We concur: Boren, P.J.
 Cooper, J.

DIVISION THREE

B118891 People (Certified for Partial Publication)
v.
Trevino

The judgment is affirmed in part, reversed in part, and remanded. The prior-murder special circumstance finding is reversed and the life without possibility of parole prison term is vacated. The matter is remanded to the trial court for resentencing. The trial court is directed to prepare an amended abstract of judgment and forward a copy thereof to the Department of Corrections.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

B121209 Mez Industries, Inc. (Certified for Publication)
v.
Pacific National Insurance Company

Filed order modifying opinion. No change in judgment.

DIVISION FOUR

[illegible]

The judgment is modified by striking appellant's conviction on count 2, a violation of Penal Code section 496, subdivision (a); and by imposing upon appellant a fine in the amount of \$200, pursuant to Penal Code section 1202.4, subdivision (b), and a fine in the amount of \$200, pursuant to section 1202.45, the latter assessment to be suspended unless appellant's parole is revoked. The abstract of judgment is to be corrected to reflect the imposition of the fines, the striking of count 2, and to conform to the oral imposition of four one-year enhancements pursuant to Penal Code section 667.5, deleting the four stayed enhancements. In addition, the abstract of judgment shall be amended to correct the clerical error in the spelling of the victim, "Doug's U-Rent." In all other respects, the judgment is affirmed. The trial court is ordered upon issuance of the remittitur to send a corrected abstract of judgment to the Department of Corrections.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Curry, J.

DIVISION FIVE

B119354 Christopher Wojciechowski (Not for Publication)
v.
Latham & Watkins

The judgment is affirmed. Respondent(s) to recover costs.

Turner, P.J.

We concur: Armstrong, J.
 Godoy Perez, J.

DIVISION FIVE (Continued)

B131645 Los Angeles County, D.C.F.S. (Not for Publication)

v.

Marlene S. and William S.

In re James S.

The judgment is affirmed.

Turner, P.J.

We concur: Grignon, J.
 Godoy Perez, J.

DIVISION SIX

B130997 People (Not for Publication)

v.

Tejada

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, Acting P.J.
 Yegan, J.

B130668 People (Not for Publication)

v.

Smith

The judgment (order of commitment) is affirmed.

Abbe, J. (Assigned)

We concur: Gilbert, P.J.
 Coffee, J.

December 21, 1999-Continued

DIVISION SEVEN

B129056 People (Not for Publication)
v.
Wright, Jr.

The judgment is affirmed.

Woods, J.

We concur: Lillie, P.J.
Neal, J.

B131253 People (Not for Publication)
v.
Barnes

The judgment is affirmed.

Woods, J.

We concur: Lillie, P.J.
Neal, J.

[illegible]

The judgment is affirmed.

Woods, J.

We concur: Lillie, P.J.
 Neal, J.